1 ANDRÉ BIROTTE JR. United States Attorney 2 ROBERT E. DUGDALE Assistant United States Attorney 3 Chief, Criminal Division 4 STEVEN R. WELK Assistant United States Attorney 5 Chief, Asset Forfeiture Section JONATHAN GALATZAN 6 Assistant United States Attorney 7 Asset Forfeiture Section California Bar No. 190414 8 Federal Courthouse, 14th Floor 312 North Spring Street 9 Los Angeles, California 90012 10 Telephone: (213) 894-2727 Facsimile: (213) 894-7177 11 E-mail: Jonathan.Galatzan@usdoj.gov 12 Attorneys for Plaintiff United States of America 13 14 UNITED STATES DISTRICT COURT 15 FOR THE CENTRAL DISTRICT OF CALIFORNIA 16 WESTERN DIVISION UNITED STATES OF AMERICA, 17 Plaintiff, 18 VERIFIED COMPLAINT FOR FORFEITURE VS. 19 [21 U.S.C. § 881(a)(6)] \$174,125.00 IN U.S. CURRENCY, 20 [D.E.A.] Defendant. 21 22 23 24 25 26 The United States of America brings this claim against the 27 defendant \$174,125.00 in U.S. currency ("defendant currency") 28 and alleges as follows:

JURISDICTION AND VENUE

1. This is a civil forfeiture action brought pursuant to 21 U.S.C. \S 881(a)(6).

- 2. This court has jurisdiction over the matter under 28 U.S.C. §§ 1345 and 1355.
- 3. Venue lies in this district pursuant to 28 U.S.C. \$ 1395(b).

PERSONS AND ENTITIES

- 4. The plaintiff is the United States of America.
- 5. The defendant is \$174,125.00 in U.S. Currency and consists of (i) \$47,691.00 seized from La Brea Compassionate Caregivers, 735 N. La Brea Avenue, Los Angeles, California; (ii) \$89,922.00 seized from Zen Healing Collective, 8464 Santa Monica Boulevard, West Hollywood, California; and (iii) \$36,512.00 seized from Alternative Herbal Health Services, 7828 Santa Monica Boulevard, West Hollywood, California.
- 6. The defendant currency was seized on April 16, 2013, and is in the custody of the United States Marshals Service, where it shall remain subject to this court's jurisdiction during the pendency of this action.
- 7. The interests of Andrew Kramer may be adversely affected by these proceedings.

EVIDENCE SUPPORTING FORFEITURE

8. Andrew Kramer ("Kramer") is the head of a marijuana trafficking organization operating in the Los Angeles, CA area (hereinafter "Kramer DTO") that distributes marijuana retail (through his store locations) and wholesale to marijuana stores. Kramer also distributes marijuana to other areas of the United

States, including New Jersey, South Carolina and North Carolina via the United States Postal Service. Kramer has assisted in establishing and maintaining multiple marijuana stores in the Los Angeles area and has received significant monetary compensation for doing so. Several enforcement actions have been taken against the Kramer DTO.

- 9. On January 2, 2006, the Los Angeles Police Department ("LAPD") executed a search warrant at North Valley Discount Caregivers ("NVDC"), a marijuana store. Detectives seized approximately 17 kilograms of marijuana and marijuana products from the store. Detectives also discovered documents related to the business and identified Kramer as the store owner. Days later, NVDC reopened for business.
- 10. In conjunction with the LAPD, the DEA initiated an investigation into NVDC and Kramer.
- 11. On September 28, 2006, the DEA executed search warrants at NVDC and a residence identified as a stash location, which was located a few blocks away. The DEA seized approximately 95 kilograms of marijuana and marijuana products from NVDC and approximately 17 kilograms of marijuana and marijuana products and \$50,000 in U.S. currency from the stash house. Interviews conducted of employees at NVDC revealed Kramer's ownership of multiple marijuana stores throughout Los Angeles County. It was also discovered that Kramer coordinated with Pacific Support Services ("PSS"), a "medical" marijuana recommendation writing service, to provide all-inclusive services for customers seeking to acquire marijuana. Kramer also used PSS bank accounts to launder proceeds from his

marijuana stores. On the same date, the DEA seized four Bank of America bank accounts, all in Kramer's name, containing funds totaling approximately \$93,000.

- 12. On January 17, 2007, the DEA executed search warrants at two of Kramer's marijuana stores in West Hollywood, CA. At West Hollywood Center for Compassionate Healing ("WHCCH"), also known as The Sunset Shop, the DEA seized approximately 379 kilograms of marijuana and marijuana products and \$21,000 in U.S. currency. At California Cannabis Pharmaceuticals ("CCP"), later renamed Zen Healing Collective ("ZHC"), the DEA seized approximately 116 kilograms of marijuana and marijuana products and \$6,000 in U.S. currency. Bank accounts were identified and frozen.
- 13. On January 19, 2007, the DEA seized approximately \$36,000 from five separate bank accounts. Four accounts were in Kramer's name and one was in the name of Kramer and PSS.
- 14. On November 2, 2007, the LAPD executed a search warrant at 105/405, a marijuana store in Los Angeles.

 Detectives seized approximately 12 kilograms of marijuana and marijuana products. Kramer was determined to be the owner of this store.
- 15. On February 3, 2009, the DEA executed a search warrant at Marina Caregivers, a marijuana store in Marina Del Rey. The DEA discovered documents that listed Kramer as being on Marina Caregivers' payroll, receiving an annual salary of \$150,000.
- 16. On September 21, 2010, the LAPD Postal Interdiction
 Team intercepted a package mailed from Columbia, South Carolina
 to ZHC. Detectives went to ZHC and spoke with employees and

Kramer. Detectives determined that the recipient was fictitious and no one at ZHC claimed the package. Detectives obtained a warrant for the package and discovered approximately \$18,000 in U.S. currency.

- 17. On February 24, 2011, the LAPD, while conducting surveillance of Kramer at ZHC, observed an unknown male ("UM1") exit ZHC with four packages. The UM1 took the packages to a post office and mailed two packages, weighing approximately four pounds each, to Rahway, New Jersey. The other two packages, also weighing approximately four pounds each, were mailed to Columbia, South Carolina. The LAPD intercepted the packages and discovered that each contained marijuana.
- 18. On March 15, 2011, the DEA executed search warrants at two of Kramer's marijuana stores in West Hollywood, CA and Kramer's residence. At ZHC, the DEA seized approximately 441 kilograms of marijuana and marijuana products, 542 marijuana plants and \$271,000 in U.S. currency. While at ZHC, a UPS package was delivered to ZHC. The package originated from North Carolina and contained approximately \$30,000 in U.S. currency. Cristhiane Beatie, the wife of Kramer's brother, was present during the search warrant execution. Beatie stated that she was an employee of ZHC and that Kramer entrusted her with depositing money into bank accounts for ZHC. At Alternative Herbal Health Services ("AHHS"), the DEA seized approximately 149 kilograms of marijuana and marijuana products, 251 marijuana plants, and \$34,000 in U.S. currency.
- 19. On May 11, 2012, special agents of the Internal Revenue Service ("IRS") and DEA Agents executed two seizure warrants at

JP Morgan Chase and BB&T. Subsequently, the DEA seized five JP Morgan Chase bank accounts and one BB&T bank account, all belonging to the Kramer DTO, totaling \$1,254,831.

- 20. On July 16, 2012, the DEA and the Beverly Hills Police Department ("BHPD") met with a BHPD Confidential Informant ("CI1") concerning his/her knowledge of the Kramer DTO. Within the following three weeks, CI1 provided information that included the following:
- a. Kramer has an ownership interest in multiple marijuana stores, including ZHC, AHHS, La Brea Compassionate Caregivers ("LBCC"), located at 735 North La Brea, Los Angeles, CA, and Marina Caregivers. North Valley Discount Caregivers ("NVDC") was a marijuana store that was owned by Kramer, but is now closed.
- b. Kramer's mother, Rosalinda Levenson Kramer runs
 PSS. Dr. James Eisenberg was the doctor who wrote the "medical"
 marijuana recommendations. Cristhiane Beatie, aka "Sarah," did
 the money pick-ups at the end of the work day. Beatie is the
 wife of Kramer's brother, Matthew Kramer.
- c. ZHC is operated mostly by Beatie. Ana, aka "Sheriff," also runs the store. Ana is believed to be Anahi E. Gutierrez. Kramer purchased a house for Gutierrez. Kramer also owns several other properties, and Beatie was overheard speaking of purchasing property in Brazil.
- d. The Kramer DTO receives marijuana from outside vendors only. Kramer once had a marijuana grow next to ZHC but it has not been operational since the DEA executed a search

warrant there. The Kramer DTO also had a marijuana grow in downtown Los Angeles, but it is no longer operational.

- 21. On March 20, 2013, the BHPD and DEA conducted an interview of another BHPD Confidential Informant ("CI2") in regards to his relationship with the Kramer DTO. CI2 provided the following information:
- a. CI2 met Kramer around 2005 at the Sunset Shop, a marijuana distribution storefront. CI2 would go to the Sunset Shop to obtain marijuana for personal use.
- b. In May 2011, Kramer made contact with CI2, and spoke to CI2 about the marijuana business. CI2 introduced Kramer to methods of trafficking marijuana out of state. Kramer also asked CI2 if he (CI2) could find people to "close down shops." Kramer asked CI2 specifically if CI2 could burn down the Sunset Shop. The Sunset Shop, originally owned by Kramer, was taken over by the property owner, George Lanning, his wife, Nansee, and son, Justin.
- c. A couple of months later, CI2 introduced Kramer to methods of out of state shipping of marijuana. CI2 had a contact in North Carolina and Kramer developed contacts in South Carolina, North Carolina, and Maryland. CI2 believed Kramer did the majority of shipping marijuana out of state with CI2. Kramer and CI2 split the profits 50/50. Kramer would supply the marijuana and CI2 would ship it. The United States Postal Service was used primarily as the shipper. The recipients of the packages were instructed to deposit payments into Wells Fargo and Bank of America bank accounts.

22. On April 16, 2013, the DEA executed Federal search warrants at LBCC, ZHC, and AHHS.

- 23. As a result of the search at LBCC, law enforcement officers seized \$47,691.00 in U.S. currency (a portion of the defendant currency) from a locked safe in the office area.

 Officers also seized approximately 74 kilograms of processed marijuana, 156.6 kilograms of marijuana edibles, 6 kilograms of hashish and one firearm.
- 24. As a result of the search at ZHC, law enforcement officers seized \$4,146.00 in U.S. currency (a portion of the defendant currency) from the cash register in the dispensary room and \$85,776.00 in U.S. currency (a portion of the defendant currency) from a safe located on the second floor. Officers also seized 356 kilograms of processed marijuana, 338 kilograms of marijuana edibles, 44.6 kilograms of hashish, and 12 kilograms of hash oil.
- 25. As a result of the search at AHHS, law enforcement officers seized \$36,512.00 in U.S. currency (a portion of the defendant currency) from a safe. Officers also seized an unknown amount of marijuana, in plant, processed, and edible forms, from AHHS, along with an unknown amount of hash.
- 26. Based on the above, plaintiff alleges that the defendant currency represents or is traceable to proceeds of illegal narcotics trafficking, or was intended to be used in one or more exchanges for a controlled substance or listed chemical, in violation of 21 U.S.C. § 841 et seq. The defendant currency is therefore subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6).

1 WHEREFORE, plaintiff United States of America prays that: 2 due process issue to enforce the forfeiture of the 3 defendant currency; 4 (b) due notice be given to all interested parties to 5 appear and show cause why forfeiture should not be decreed; 6 (c) that this Court decree forfeiture of the defendant 7 currency to the United States of America for disposition 8 according to law; and, (d) for such other and further relief as this Court may 9 10 deem just and proper, together with the costs and disbursements 11 of this action. 12 DATED: November $\frac{1}{2}$, 2013 ANDRÉ BIROTTE JR. United States Attorney 13 ROBERT E. DUGDALE 14 Assistant United States Attorney Chief, Criminal Division 15 STEVEN R. WELK Assistant United States Attorney 16 Chief, Asset Forfeiture Section 17 18 JONATHAN GALATZAN
Assistant United States Attorney 19 Artorneys for Plaintiff United States of America 20 21 22 23 24 25 26 27 28

VERIFICATION I, Patrick Kelly, hereby declare that: I am a Special Agent with the Drug Enforcement Administration and I am the case agent for the forfeiture matter entitled United States of America v. \$174,125.00 in U.S. Currency. I have read the above Verified Complaint for Forfeiture and know its contents. It is based upon my own personal knowledge and reports provided to me by other law enforcement agents. 3. Everything contained in the Complaint is true and correct, to the best of my knowledge and belief. I declare under penalty of perjury that the foregoing is true and correct. Executed November 1, 2013 in Los Angeles, California.

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

	This case has been	assigned to District Judge	George H.	Wu and the assigned
Magis	trate Judge is	Margaret A. Nagle	·	
	The case	number on all documents filed	with the Court shou	ıld read as follows:
		2:13CV8152 C	GW MANx	
Califo		al Order 05-07 of the United Sta Judge has been designated to he		
	All discovery relat	ed motions should be noticed or	n the calendar of the	e Magistrate Judge.
			Clerk, U. S. D	Pistrict Court
	November 4, 20 Date	13	By <u>J.Prado</u> Deputy Cl	erk
		NOTICE TO	COUNSEL	
- /	•	be served with the summons and nust be served on all plaintiffs).	complaint on all de	fendants (if a removal action is
Subsec	uent documents n	nust be filed at the following lo	cation:	
x	Western Division 312 N. Spring Street Los Angeles, CA 900		St., Ste 1053	Eastern Division 3470 Twelfth Street, Room 134 Riverside, CA 92501
Failure	e to file at the prop	er location will result in your d	ocuments being re	turned to you.

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UNITED

TES DISTRICT COURT, CENTRAL DISTRICT CIVIL COVER SHEET

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(b) Attorneys (Firm Name, Address and Telephone Number. If you (b) Attorneys (Firm Name, Address and Telephone Number. If you (b) Attorneys (Firm Name, Address and Telephone Number. If you										
are representing yoursel ANDRÉ BIROTTE JR., United	f, provide same inforn	nation.)	are representing	rm Name, Address and Tele yourself, provide same info	phone Number. If you ormation.)					
JONATHAN GALATZAN, As	sistant United States Att	orney, California Bar No. 19	90414							
United States Attorney's Office, 312 N. Spring Street, 14th Fl., Los Angeles, CA 90012 Telephone: (213) 894-2727 / Facsimile: (213) 894-7177										
II. BASIS OF JURISDI	CTION (Place an X in	one box only.)	III. CITIZENSHIP OF F	PRINCIPAL PARTIES-For	Diversity Cases Only					
🔀 1. U.S. Government	□ 3 Federal (Question (U.S.		pox for plaintiff and one for PTF DEF	defendant) or Principal Place PTF DEF					
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2. U.S. Government	T 4 Diversity		Citizen of Another State	2 2 Incorporated a of Business in	and Principal Place 5 5 5					
Defendant	of Parties in	(Indicate Citizenship Item III)	Citizen or Subject of a Foreign Country	3 G 3 Foreign Nation						
IV. ORIGIN (Place an X	(in one box only.)									
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VI. CAUSE OF ACTION 21 U.S.C. § 881(a)(6)	(Cite the U.S. Civil Statu	te under which you are fili			ictional statutes unless diversity.)					
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OTHER STATUTES	CONTRACT	REAL PROPERTY CONT	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS					
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400 State Reapportionment	120 Marine	245 Tort Product Liability	465 Other	463 Alien Detainee 510 Motions to Vacate	830 Patent					
410 Antitrust	130 Miller Act	290 All Other Real Property	Immigration Actions TORTS	」☐ Sentence	840 Trademark					
430 Banks and Banking 450 Commerce/ICC	Instrument	TORTS	PERSONAL PROPERTY	530 General 535 Death Penalty	SOCIAL SECURITY 861 HIA (1395ff)					
Rates/Etc.	150 Recovery of Overpayment &	PERSONAL PROPERTY 310 Airplane	370 Other Fraud	Other:	862 Black Lung (923)					
460 Deportation	Enforcement of Judgment	315 Airplane	371 Truth in Lending	540 Mandamus/Other	863 DIWC/DIWW (405 (g))					
470 Racketeer Influenced & Corrupt Org.	151 Medicare Act	Product Liability 320 Assault, Libel &	380 Other Personal Property Damage	550 Civil Rights	864 SSID Title XVI					
480 Consumer Credit	152 Recovery of	Slander 330 Fed. Employers'	385 Property Damage	555 Prison Condition 560 Civil Detainee	865 RSI (405 (g))					
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890 Other Statutory	Overpayment of Vet. Benefits	Liability	USC 158	625 Drug Related Seizure of Property 21	871 IRS-Third Party 26 USC					
Actions	160 Stockholders'	350 Motor Vehicle	USC 157	USC 881	7609					
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896 Arbitration	196 Franchise	365 Personal Injury-	443 Housing/ Accompdations	Relations						
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Act/Review of Appeal of Agency Decision	210 Land Condemnation	Pharmaceutical Personal Injury	Disabilities- Employment	751 Family and Medical Leave Act						
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950 Constitutionality of State Statutes	230 Rent Lease & Ejectment	368 Asbestos Personal Injury	448 Education	791 Employee Ret. Inc.						
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CV-71 (09/13)

CIVIL COVER SHEET

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UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA CIVIL COVER SHEET

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

District of California	Question A: Was this case remove state court?	d from		STATE CASE WAS F	PENDING II	THE CO	UNTY OF:	INI	TIAL DIVISION IN CA	ACD IS:
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Question C: Location of plaintiffs, defendants, and claims? A. Los Angeles County Indicate the location in which a majority of plaintiffs reside: Indicate the location in which a majority of claims arose: C.1. Is either of the following true? If so, check the one that applies: Question D: Indicate the location in which a majority of claims arose: C.2. Is either of the following true? If so, check the one that applies: Question D: Indicate the location in which a majority of claims arose: C.2. Is either of the following true? If so, check the one that applies: Question D: Indicate the location in which a majority of claims arose: C.3. Is either of the following true? If so, check the one that applies: Question D: Indicate the location in which a majority of claims arose: C.3. Is either of the following true? If so, check the one that applies: Question D: Indicate the location in which a majority of claims arose: C.4. Is either of the following true? If so, check the one that applies: Question D: Indicate the location in which a majority of claims arose: C.5. Is either of the following true? If so, check the one that applies: Question D: Indicate the location in which a majority of claims arose: C.5. Is either of the following true? If so, check the one that applies: Question D: Indicate the location in which a majority of claims arose: C.6. Is either of the following true? If so, check the one that applies: Question D: Indicate the location in which a majority of claims arose: C.6. Is either of the following true? If so, check the one that applies: Question D: Indicate the location in which a majority of claims arose: C.7. Is either of the following true? If so, check the one that applies: Question D: Indicate the location in which a majority of claims arose: C.7. Is either of the following true? If so, check the one that applies: Question D: Indicate the location in which a majority of claims arose: Question D: Indicate the location in which a majority of claims arose: Question D: In			Riversi	de or San Bernardino		Riverside or San Bernardino			Eastern	
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If none applies, answer question C2 to the right. Your case will initially be assigned to the WESTERN DIVISION. Enter "Western" in response to Question D below. Question D: Initial Division? INITIAL DIVISION IN CACD	SOUTHERN DIVISION.			EASTERN DIVISION.						
WESTERN DIVISION. Enter "Western" in response to Question D below. Question D: Initial Division? INITIAL DIVISION IN CACD					•					
Question D: Initial Division? INITIAL DIVISION IN CACD				WEST	TERN DIVIS	ION.				
Question D: Initial Division? INITIAL DIVISION IN CACD Enter the initial division determined by Question A, B, or C above:				rutei Asezteili IU (=>ponse to	Questio	i Didelow.			
enter the initial division determined by Question A. B. or Cabove:	Question D: Initial Division?						INITIAL DIVIS	ION IN CACI		
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CIVIL COVER SHEET

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UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA CIVIL COVER SHEET

		CIVIL COVER SHEET		
IX(a). IDENTICAL CA	SES: Has this a	ction been previously filed in this court and dismissed, remanded or closed?	× NO	YES
If yes, list case num	nber(s):			
IX(b). RELATED CASE	ES : Have any ca	ses been previously filed in this court that are related to the present case?	X NO	YES
If yes, list case num	ber(s):			
Civil cases are deemed	related if a previ	ously filed case and the present case:		
(Check all boxes that app	oly) 🔲 A. Arise	from the same or closely related transactions, happenings, or events; or		
	B. Call fo	or determination of the same or substantially related or similar questions of law and fact	; or	
	C. For o	ther reasons would entail substantial duplication of labor if heard by different judges; or		
	D. Invol	ve the same patent, trademark or copyright <u>, and</u> one of the factors identified above in a	b or c also is pre	sent.
princi habera as reduited by	TED LITIGANT The CV-71 (JS-44) law, This form, ac	Civil Cover Sheet and the information contained herein neither replace nor supplement proved by the Judicial Conference of the United States in September 1974, is required purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instruc	diremant to Local	Outle 2 1 to make the d
Key to Statistical codes relat	ing to Social Secu	rity Cases:		
Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action		
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social include claims by hospitals, skilled nursing facilities, etc., for certification as providers (42 U.S.C. 1935FF(b))	Security Act, as a of services under	mended. Also, the program.
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Heal 923)	th and Safety Act	of 1969. (30 U.S.C.
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))	Social Security A	ct, as amended; plus
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under 1 amended. (42 U.S.C. 405 (g))	itle 2 of the Socia	l Security Act, as
864	SSID	All claims for supplemental security income payments based upon disability filed uncamended.	ler Title 16 of the	Social Security Act, as
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Sec (42 U.S.C. 405 (g))	curity Act, as ame	nded.